

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
Marie-Laure DELACOUR et al.)	Group Art Unit: 1611
Application No.: 10/614,016)	Examiner: CHANNAVAJJALA, L. S.
Filing Date: July 8, 2003)	
For: COSMETIC COMPOSITION HAVING)	Confirmation No.: 9511
A PASTY TO PULVERULENT)	
TEXTURE AND THE COSMETIC USE)	
THEREOF)	

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

VIA EFS WEB

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicants bring to the attention of the Examiner the listed documents on the attached PTO SB/08 Form. To the undersigned's knowledge, this Information Disclosure Statement is being filed before the mailing date of a first Office Action after the filing of a Request for Continued Examination in the above-referenced application.

Copies of the listed foreign and non-patent literature documents are attached. Copies of the U.S. patents, patent application publications, and Office Actions from co-pending applications are not enclosed as they are available in the Imaged File Wrapper system of PAIR.

The United States Court of Appeals for the Federal Circuit held in *Dayco Products, Inc. v. Total Containment, Inc.*, 329 F.3d 1358, 66 U.S.P.Q.2d 1801 (Fed. Cir. 2003), that an "adverse decision" by another examiner may meet the materiality standard under the amended Rule 56, and thus, Applicants should disclose prior rejections of "substantially similar claim[s]" to the Office. *See also* M.P.E.P. § 2001.06(b). Accordingly, although Applicants are not representing that the Office Actions in the co-pending applications are material to the present application and are not admitting that any of the other claims are substantially similar, out of an abundance of caution, Applicants have listed the substantive Office Actions in co-pending applications on the attached form.

Applicants respectfully request that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

With respect to the following non-English language documents listed on the attached Form PTO/SB/08, Applicants provide the following statements:

1. **EP 0 549 494** - An abstract of the disclosure of this document may be found in the English language esp@cenet abstract submitted herewith.
2. **FR 2 079 785** - An abstract of the disclosure of this document may be found in the English language esp@cenet abstract submitted herewith.
3. **FR 2 788 968** - This document is believed to be related to U.S. Patent No. RE 39,495, which is listed on the attached form PTO/SB/08.
4. **FR 2 789 311** - This document is believed to be related to U.S. Patent Nos. 6,403,704, which is listed on the attached form PTO/SB/08.

5. **FR 2 808 441** - This document is believed to be related to U.S. Patent Application Publication No. 2002/0028222, which is listed on the attached form PTO/SB/08.
6. **FR 2 819 181** - An abstract of the disclosure of this document may be found in the English language esp@cenet Abstract submitted herewith.
7. **FR 2 863 875** - This document is believed to be related to U.S. Patent Application Publication No. 2004/0071648, which is listed on the attached form PTO/SB/08.
8. **FR 2 863 888** - This document is believed to be related to U.S. Patent Application Publication No. 2005/0169950, which is listed on the attached form PTO/SB/08.
9. **JP 2000-309504** - This document is believed to be related to U.S. Patent Nos. 6,565,862, which is listed on the attached form PTO/SB/08.
10. **JP 2001-048736** - This document is believed to be related to U.S. Patent Nos. 6,689,345, which is listed on the attached form PTO/SB/08.
11. **JP 2001-354546** - This document is believed to be related to U.S. Patent Application Publication No. 2002/0028222, which is listed on the attached form PTO/SB/08.
12. **JP 2002-047120** - An abstract of the disclosure of this document may be found in the English language esp@cenet abstract submitted herewith.
13. **JP 2005-179363** - This document is believed to be related to U.S. Patent Application Publication No. 2005/0169950, which is listed on the attached form PTO/SB/08.

14. **JP 2005-179364** - This document is believed to be related to U.S. Patent Application Publication No. 2005/0169950, which is listed on the attached form PTO/SB/08.

15. **JP 61-194009** - An abstract of the disclosure of this document may be found in the English language esp@cenet abstract submitted herewith.

16. **WO 02/053126** - An abstract of the disclosure of this document may be found in the English language esp@cenet abstract submitted herewith.

17. **European Search Report for EP 1 550 432** - This is the Search Report for European Patent Application No. 1 550 432, which is related to French Patent Application No. FR 03/51125, which is the International priority application for co-pending U.S. Patent Application No. 11/014,834, Attorney Docket No. 05725.1400.

18. **French Search Report for FR 03/51128** - This is the Search Report for French Patent Application No. FR 03/51128, which is the International priority application for co-pending U.S. Patent Application No. 11/013,540, Attorney Docket No. 05725.1399.

19. **R. Pigeon et al, "Chimie Macromoléculaire Appliquée," Vol. 40/41, 1974, pp. 139-158** - This document is cited at page 18 of the specification of U.S. Patent Application No. 11/014,834.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that the listed document is material or constitutes "prior art." If the Office applies the document as prior art against any claim in the application and Applicants determine that the cited document does not

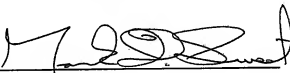
constitute "prior art" under United States law, Applicants reserve the right to present to the Office the relevant facts and law regarding the appropriate status of such document.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed document, should the document be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

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By: 
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Dated: September 3, 2009